

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

DECISION BY THE COURT:

This action came to hearing before the court. The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that:

Defendant's Motion for Summary Judgment is **GRANTED**; Plaintiff's Motion for Summary Judgment is **DENIED**. Judgment is entered for Defendant.

DATED this 23rd day of October, 2012.

JAMES R. LARSEN
District Court Executive/Clerk

by: s/Penny Lamb
Penny Lamb
Deputy Clerk

cc: all counsel